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Linda Anna Webb  
Attorney for Defendant

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
vs.	)	District Court No. A03-0165-CR (JKS)
	)	
ELISABETH COLE,	)	
	)	
Defendant	)	
_____	)	

**DEFENDANT'S NOTICE REGARDING DEFENDANT'S  
RESTITUTION OBLIGATION**

Defendant Elisabeth Cole's Criminal Monetary penalties provided that she must pay \$600. in an assessment and \$32,879.96 in Restitution to the charities which were beneficiaries of her mother's estate. There was no order that Defendant

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pay interest on the restitution or the assessment.

Defendant had no assets to pay the assessment and restitution until the Internal Revenue Service approved the settlement reached between Ms. Cole, the two charities and the Alaska Trust Company. The approval was given in November 2007. Shortly thereafter, payment of the CJA fees and costs for Ms. Cole's defense was repaid to CJA Defender's office in Anchorage. The amount paid was \$109,270.87. The restitution amount of \$32,879.96 was paid through the settlement with the two charities and the Alaska Trust Company. The assessment of \$600.00 was paid by the law office of Darryl Jones, in June 2006. Ms. Cole also submitted a DNA sample, in June 2006.

Counsel for Ms. Cole has previously filed a letter, dated December 6, 2007, received from the law firm of Jermain Dunnagan & Owens which confirms that the losses to the Alaska Trust Company and the two charities had been satisfied due to the Settlement and Mutual Release and that the restitution obligation should be cancelled. In addition, the law firm of Mr. Jones filed a Notice to the Court, dated November 28, 2007, that the CJA program had been paid and that all court fees and restitution had been paid.

The government notified Mr. Jones that a Motion to Modify Judgment needed to be filed, by counsel for Ms. Cole, to explain the nature of the civil settlement with some form of explicit acknowledgment that the restitution had been satisfied. The correspondence from Jermain Dunnagan & Owens specifically addresses the government's concern. The criminal monetary penalties of the judgment have been met. Defendant has requested a copy of the settlement documents and will provide the same to the court and government on receipt. Defendant requests that the court set a hearing to resolve these issues.

Dated this 22<sup>nd</sup> day of January 2008 at Anchorage, Alaska

Hagans Ahearn and Webb

\_\_\_/s/\_Linda AWebb

Linda A. Webb

Alaska Bar No. 88006148

## **CERTIFICATE OF SERVICE**

I certify that on the 22nd day of January 2008,  
a copy of the foregoing document was served  
electronically:

Richard Pomeroy and Crandon Randell  
Assistant U.S. Attorneys  
Federal Building U.S. Courthouse  
222 West 7<sup>th</sup> Avenue, #9 Room 253  
Anchorage, AK 99513-7567

/s/Linda A. Webb

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